

**Plaintiff Lazare Kaplan International Inc.'s  
Deposition Designations for Marc Weiss  
2/16/2016**

## TextMap Annotation Digest Report

**Case Name:** Plaintiff Lazare Kaplan International Inc.'s Deposition Designations for Marc Weiss 2/16/2016

**Transcript:** [10/13/2015] Weiss, Marc

**Issue Filter:** Depo Designation

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**Pg: 5 Ln: 5 - 9**

**Annotation:**

5: 5 Q. Okay. Good morning, Mr. Weiss.  
6 My name is Chris Sullivan and I  
7 represent Lazare Kaplan International  
8 and I'm with the law firm of Herrick  
9 Feinstein.

**Pg: 6 Ln: 2 - 10**

**Annotation:**

6: 2 Q. Where do you live?  
3 A. I live in St. James, New York.  
4 Q. What is your current address?  
5 A. 264 Lincoln Avenue, St. James,  
6 New York.  
7 Q. How long have you lived there?  
8 A. About 25 years.  
9 Q. Are you an American citizen?  
10 A. Yes, I am.

**Pg: 7 Ln: 5 - 25**

**Annotation:**

7: 5 Q. And just for convenience sake,  
6 I'm going to use some abbreviations  
7 which hopefully will make today's  
8 session move for smoothly.  
9 I'm going to refer to Lazare  
10 Kaplan International, Inc. as Lazare;  
11 I'm going to refer to Antwerpse  
12 Diamantbank Bank NV as ABD; the New  
13 York office of ADB will be the New York  
14 office of ADB; and KBC Bank NV will be  
15 KBC; and the New York branch of KBC  
16 will be KBC New York, unless you or I  
17 specify otherwise. Do you understand?  
18 A. Yes.  
19 Q. And unless I specify otherwise  
20 or you specify otherwise, the relevant  
21 period of time for all of my questions  
22 will be the 10 years between January 1,  
23 2000 and December 31, 2010. Is that  
24 clear?  
25 A. Yes.

**Pg: 8 Ln: 4 - 15**

**Annotation:**

8: 4 Q. Are you under a contractual  
5 obligation of any kind to cooperate  
6 with Antwerp Diamond Bank or KBC in

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**Pg: 8 Ln: 4 - 15 continued...**

**Annotation:**

8: 7 connection with this lawsuit?  
8 A. I don't understand when you say  
9 "contractual".  
10 MS. GREDD: I could jump in here  
11 and possibly make it easier. Mr. Weiss  
12 has a Separation Agreement with the  
13 bank and that Separation Agreement,  
14 among other things, has a cooperation  
15 with ongoing litigation clause.

**Pg: 8 Ln: 25 - Pg: 10 Ln: 15**

**Annotation:**

8:25 Q. Do you speak any foreign  
9: 1 languages?  
2 A. No, I do not.  
3 Q. Are you currently employed?  
4 A. Yes, I am.  
5 Q. Where are you employed?  
6 A. Sterling National Bank.  
7 Q. And what is your job title or  
8 position at Sterling national bank?  
9 A. My job title is Managing  
10 Director. The position is Commercial  
11 Loan Officer.  
12 Q. What are your responsibilities  
13 there?  
14 A. Meeting clients and prospects,  
15 gathering information and submitting  
16 packages for lines of credit.  
17 Q. When did you first start working  
18 at Sterling bank?  
19 A. Latter part of August, this  
20 year.  
21 Q. Okay. Prior to that were you  
22 employed by ADB?  
23 A. Yes.  
24 Q. And when did you first start  
25 working for ADB?  
10: 1 A. November, 1999.  
2 Q. Were you employed by ADB  
3 continuously from December -- January  
4 1, 2000 through December 31, 2010?  
5 A. Yes, I was.  
6 Q. Okay. And when did you actually  
7 leave ADB's employment?  
8 A. I left was April 30th, 2015.  
9 Q. Okay. Do you continue to receive  
10 any compensation from ADB?  
11 A. No, I do not.

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**Pg: 8 Ln: 25 - Pg: 10 Ln: 15 continued...**

**Annotation:**

10:12 Q. Were you asked to leave ADB's  
13 employment?  
14 A. No. I was -- the office was  
15 closed, my position was terminated.

**Pg: 14 Ln: 2 - 13**

**Annotation:**

14: 2 Q. Do you hold any professional  
3 certifications or licenses of any kind?  
4 A. No, I do not.  
5 Q. Do you have any specialized  
6 training or education in regard to  
7 diamonds or diamond companies?  
8 A. No, I do not.  
9 Q. As of December, 2000, how much  
10 experience had you had with diamond  
11 clients of ADB?  
12 A. I started in November, 1999.  
13 That was my experience.

**Pg: 16 Ln: 13 - Pg: 17 Ln: 13**

**Annotation:**

16:13 Q. I see. Okay. So let's talk a  
14 little bit about ADB. When you first  
15 started with ADB? What was your  
16 position or job title there?  
17 A. I was, I believe, was Senior  
18 Representative Officer.  
19 Q. And did you hold that position  
20 in the New York office of ADB?  
21 A. In the New York representative  
22 offices, yes.  
23 Q. Okay. And what were your  
24 responsibilities in that position?  
25 A. My responsibilities were  
17: 1 meeting -- meeting with potential  
2 prospects or clients, gathering  
3 information and sending that  
4 information to ADB head office for  
5 review.  
6 Q. And did that include diamond  
7 clients of ADB?  
8 A. Yes.  
9 Q. And did your position at ADB  
10 change during the 10 year period of  
11 time that we're investigating?  
12 A. During I believe around 2005 I  
13 became the manager of the office.

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**Pg: 18 Ln: 7 - Pg: 19 Ln: 15**

**Annotation:**

18: 7 Q. Did Mr. Rogow hold that position  
8 prior to your promotion?  
9 A. Yes.  
10 Q. And during what time did he  
11 serve in that position?  
12 A. He served approximately, maybe,  
13 a few years. I don't remember exactly  
14 the term.  
15 Q. Did he replace Peter Driesen in  
16 that position?  
17 A. Yes, he did.  
18 Q. Do you know why Mr. Driesen was  
19 replaced?  
20 A. No, I do not.  
21 Q. Did Mr. Rogow tender his  
22 resignation? Did he resign voluntarily?  
23 A. I believe so, yes.  
24 Q. And as of this date what were  
25 the names of the other people that  
19: 1 worked in the -- professional people  
2 that worked in the New York office of  
3 ADB?  
4 A. At the time the administrative  
5 assistant was Diana David, there was  
6 another gentleman, Oakley Champine and  
7 there was a prior to that there was  
8 another lady, I forgot her name, I  
9 don't know if she was still there when  
10 Mr. Rogow resigned.  
11 Q. Do you recall her name?  
12 A. No, I don't. I'd be guessing.  
13 Q. Did you help set up the New York  
14 office of ADB?  
15 A. No, I did not.

**Pg: 20 Ln: 5 - Pg: 22 Ln: 7**

**Annotation:**

20: 5 Q. And did you spend your entire  
6 tenure at ADB working in the New York  
7 office of ADB?  
8 A. Yes, I did.  
9 Q. At any given time how many  
10 different bankers worked in that  
11 office?  
12 A. At most I think there were -- I  
13 think there were five people.  
14 Q. And did any of them work on the  
15 Lazare credit facility?  
16 A. Usually the people that worked

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**Pg: 20 Ln: 5 - Pg: 22 Ln: 7 continued...**

**Annotation:**

20:17 on it was usually the -- it was  
18 Philippe Loral and the person who -- in  
19 the beginning it was Peter Driesen and  
20 Philippe Loral who worked on the file.  
21 After that I don't, you know -- I think  
22 for a number of years it was Oakley  
23 worked with Philippe Loral on it and in  
24 between I don't recall.  
25 Q. Did you work on the Lazare file?  
21: 1 A. No, I did not.  
2 Q. What was the chain of command in  
3 the New York office prior to 2005 when  
4 you were appointed to Senior Vice  
5 President and General Manager is that?  
6 Who reported to who?  
7 A. The department head was Peter  
8 Driesen and he reported directly to  
9 Philippe Loral.  
10 Q. And to whom did you report?  
11 A. I reported to Peter Driesen.  
12 Q. And after you were appointed to  
13 Senior Vice President and General  
14 Manager, what was the chain of command  
15 in the office?  
16 A. I reported to Philippe Loral.  
17 Q. And did everyone else in the  
18 office report to you?  
19 A. Yes.  
20 Q. I see. And what were your  
21 responsibilities in the office prior to  
22 being promoted to Senior Vice President  
23 and General Manager?  
24 A. Meeting with prospects and  
25 customers, gathering information,  
22: 1 responding to their requests and  
2 sending all that information to ADB  
3 head office for their review and for  
4 their consideration.  
5 Q. And did your responsibilities  
6 change after your promotion in 2005?  
7 A. Not really.

**Pg: 22 Ln: 8 - 22**

**Annotation:**

22: 8 Q. Were you familiar during the 10  
9 year period of time with different  
10 clients of the New York office of ADB?  
11 A. Yes.  
12 Q. Did you have access to ADB's

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**Pg: 22 Ln: 8 - 22 continued...**

**Annotation:**

22:13 records of those banking clients'  
14 activity in New York?  
15 MS. GREDD: Objection to form.  
16 A. There were no records in New  
17 York. Everything was kept in ADB head  
18 office.  
19 Q. Did you have access to the  
20 records that were kept in the head  
21 office?  
22 A. No.

**Pg: 27 Ln: 20 - Pg: 28 Ln: 3**

**Annotation:**

27:20 Q. While you were working in ADB's  
21 New York office did you have the  
22 ability to print copies of bank  
23 statements of customers who had credit  
24 facilities with ADB in Belgium?  
25 A. No. If he wanted something  
28: 1 Belgium would -- would scan and e-mail  
2 it to us. I didn't have access to their  
3 systems.

**Pg: 30 Ln: 14 - Pg: 33 Ln: 6**

**Annotation:**

30:14 (Plaintiff's Exhibit 65, was  
15 received and marked on this date for  
16 identification.)  
17 Q. Would you turn to Plaintiff's  
18 Exhibit 65 in the same binder? Do you  
19 recognize this document?  
20 A. Yeah.  
21 Q. Does this document describe the  
22 job duties of the Senior Vice  
23 President, General Manager of the New  
24 York office of ADB?  
25 MS. GREDD: Let me just stop  
31: 1 there. The tab actually has a couple of  
2 documents. Are you referring to the  
3 document --  
4 MR. SULLIVAN: First two pages  
5 before --  
6 MS. GREDD: -- Bates 62097 and  
7 62098?  
8 MR. SULLIVAN: Correct.  
9 A. Okay.  
10 Q. And directing your attention to  
11 the category "General management" is

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**Pg: 30 Ln: 14 - Pg: 33 Ln: 6 continued...**

**Annotation:**

31:12 this list of the duties of the Senior  
13 Vice President General Manager of the  
14 New York office of ADB?  
15 A. Looks okay.  
16 Q. And is that the position to  
17 which you were promoted in 2005 Senior  
18 Vice President General Manager?  
19 A. Yes.  
20 Q. So are these then the duties  
21 that were assigned to you on and after  
22 your promotion in 2005?  
23 A. Yes.  
24 Q. And with reference to this list,  
25 do you see the bullet point that reads  
32: 1 "To maintain contacts with KBC New York  
2 and supervise the Service Level  
3 Agreement with this bank"?  
4 A. Yes.  
5 Q. What does the Service Level  
6 Agreement refer to in this document?  
7 A. I don't know. There were several  
8 Service Level Agreements.  
9 Q. Who were those Service Level  
10 Agreements between?  
11 A. The Service Level Agreements  
12 were between ADB and KBC.  
13 Q. And how many different Service  
14 Level Agreements were there?  
15 A. I believe there were several.  
16 Q. And were those agreements all  
17 between the New York branch of KBC and  
18 ADB?  
19 A. They were negotiated, yes. They  
20 were agreed to between ADB head office  
21 and the KBC New York branch.  
22 Q. And do you recall the dates of  
23 those different agreements?  
24 A. No.  
25 Q. Did you, yourself -- I'm testing  
33: 1 your memory. It's okay. You're doing  
2 fine.  
3 Did you, yourself, have any  
4 responsibility with respect to any of  
5 those agreements?  
6 A. Not really.

**Pg: 33 Ln: 25 - Pg: 35 Ln: 13**

**Annotation:**

33:25 Q. Okay. And directing your



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**Pg: 33 Ln: 25 - Pg: 35 Ln: 13** continued...

**Annotation:**

34: 1 attention to Exhibit 57 for the moment,  
2 can you tell me whether you recognize  
3 that document?  
4 A. Yes. This is the Service Level  
5 Agreement for the mirror accounts that  
6 KBC opened up in support of our  
7 clients.  
8 Q. And is this the agreement that  
9 is referenced in Plaintiff's Exhibit 65  
10 as in the bullet point that reads "To  
11 maintain contacts with KBC New York and  
12 supervise the Service Level Agreement  
13 with this bank"?  
14 A. Obviously, it's not specific. It  
15 could be.  
16 Q. But you are familiar with the  
17 Service Level Agreement that's annexed  
18 in the binder as Plaintiff's Exhibit  
19 57?  
20 A. Yes.  
21 Q. And when did you see this  
22 document for the first time?  
23 A. I believe sometime when I first  
24 started working for the bank.  
25 Q. You weren't involved in the  
35: 1 preparation of this document?  
2 A. Absolutely not.  
3 Q. And do you recall who brought  
4 the document to your attention for the  
5 first time?  
6 A. I would -- if I had to guess it  
7 was either Philippe Loral or Peter  
8 Driesen.  
9 Q. And this document is between  
10 Antwerpse Diamantbank NV in Belgium and  
11 KBC New York, New York branch. Is that  
12 correct?  
13 A. Yes.

**Pg: 35 Ln: 21 - Pg: 36 Ln: 9**

**Annotation:**

35:21 You see the reference under  
22 "Whereas", the fourth paragraph that  
23 reads "ADB agrees to open a pooling  
24 account with KBC", and continuing?  
25 A. Yes.  
36: 1 Q. So with reference to this  
2 document, do you know what pooling  
3 account is being described in this

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**Pg: 35 Ln: 21 - Pg: 36 Ln: 9 continued...**

**Annotation:**

36: 4 document?  
5 A. No, I do not.  
6 Q. And do you know by reference to  
7 this document what the purpose of a  
8 pooling account was?  
9 A. No.

**Pg: 38 Ln: 5 - 21**

**Annotation:**

38: 5 Q. Let's take a look at Plaintiff's  
6 Exhibit 57 a little more carefully. You  
7 have that in front of you?  
8 A. Yes.  
9 Q. Take a look at the first  
10 "Whereas" clause that reads "ADB wishes  
11 to expand its business to the New York  
12 diamond market".  
13 What kind of business was ADB  
14 looking to expand to the New York  
15 diamond market?  
16 MS. GREDD: Objection to form.  
17 A. ADB was -- wanted to expand its  
18 presence, was setting up a  
19 representative office in New York to  
20 find new customers and to finance their  
21 working capital.

**Pg: 40 Ln: 21 - Pg: 41 Ln: 7**

**Annotation:**

40:21 Q. What was the nature of the  
22 credit facility that Lazare provided --  
23 that ADB provided to Lazare? Was it a  
24 working capital line of credit?  
25 A. As best as I can recollect, all  
41: 1 the clients had working capital lines  
2 of credit. I don't recall the terms and  
3 additions but there were -- as best as  
4 I can recollect, they were all working  
5 capital lines of credit.  
6 Q. And that would include Lazare?  
7 A. Yes.

**Pg: 46 Ln: 11 - Pg: 48 Ln: 4**

**Annotation:**

46:11 Q. Which bank effectuated the local  
12 and international payments that are  
13 referred to in this "Whereas" clause?

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**Pg: 46 Ln: 11 - Pg: 48 Ln: 4 continued...**

**Annotation:**

46:14 MS. GREDD: Objection to form.  
15 A. Like I said before, it was a  
16 mirror account when the payments came  
17 in and out.  
18 Q. So you don't know whether -- --  
19 A. No.  
20 Q. -- that this -- whether this  
21 paragraph refers to ADB or KBC as the  
22 party effectuating local and  
23 international payments?  
24 A. I cannot follow this document. I  
25 didn't set it up, so I can't walk you  
47: 1 through it.  
2 Q. But it is correct that one of  
3 your responsibilities as Senior Vice  
4 President General Manager was to  
5 supervise this document, was it not?  
6 A. Absolutely, but it was also my  
7 responsibility not to supersede the  
8 head of International Relations.  
9 Q. Who is the head of International  
10 Relations?  
11 A. Philippe Loral.  
12 Q. And what do you mean, supersede  
13 him?  
14 A. Mr. Loral set up the document.  
15 He oversaw it and he initiated it. As  
16 long as there wasn't a question or  
17 problem I don't recall anything being  
18 needed to supervise.  
19 Q. So is it your testimony that  
20 your job responsibility of supervising  
21 the Service Level Agreement was limited  
22 to dealing with problems that arose in  
23 regard to the agreement?  
24 A. If a problem arose that wasn't  
25 taken care of at head office or by  
48: 1 Philippe Loral, I guess maybe I would  
2 get a phone call.  
3 Q. Did that ever happen?  
4 A. Not that I recall.

**Pg: 56 Ln: 20 - Pg: 57 Ln: 3**

**Annotation:**

56:20 Q. Would you look at Plaintiff's  
21 Exhibit 55 in the same binder that is  
22 in front of you? Do you recognize this  
23 document?  
24 A. Yes.

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**Pg: 56 Ln: 20 - Pg: 57 Ln: 3 continued...**

**Annotation:**

56:25 Q. What is it?  
57: 1 A. It's an authorization between  
2 ADB and the client to exchange  
3 information.

**Pg: 58 Ln: 1 - Pg: 59 Ln: 11**

**Annotation:**

58: 1 Q. Did any of your clients sign  
2 either a document in this form or  
3 substantially in this form?  
4 A. Yes, they did.  
5 Q. Did they all do so?  
6 A. I believe so.  
7 Q. And did you prepare any of those  
8 documents?  
9 MS. GREDD: Objection to form.  
10 A. You mean --  
11 Q. -- that your clients signed?  
12 A. I didn't prepare any documents.  
13 I gave documents for the clients to  
14 sign.  
15 Q. And directing your attention to  
16 the first sentence that reads, "We  
17 hereby agree that all disbursements and  
18 payments under our credit facility  
19 shall be effected", etcetera, do you  
20 understand that sentence to require  
21 that all disbursements and payments  
22 under the client's credit facility with  
23 ADB must be effected through its bank  
24 account at KBC New York or is it  
25 optional?  
59: 1 A. I believe the intent is that all  
2 the payments should be processed  
3 through the account with KBC New York.  
4 Q. Is that mandatory or optional,  
5 according to your understanding?  
6 A. I'm not a lawyer.  
7 Q. But do you have an understanding  
8 as a banker?  
9 A. As a banker, the purpose was  
10 that they should make -- put all their  
11 payments through KBC New York.

**Pg: 59 Ln: 18 - Pg: 60 Ln: 10**

**Annotation:**

59:18 Q. Do you understand this document  
19 to be -- to have been provided to KBC

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**Pg: 59 Ln: 18 - Pg: 60 Ln: 10** continued...

**Annotation:**

59:20 New York --  
21 MS. GREDD: Objection to form.  
22 Q. -- Plaintiff's Exhibit 55?  
23 A. This was provided to the clients  
24 to sign.  
25 Q. And what happened to the  
60: 1 documents after the client signed it?  
2 MS. GREDD: Are you referring  
3 specifically to the Lazare document?  
4 MR. SULLIVAN: Yes. Plaintiff's  
5 Exhibit 55.  
6 A. A copy was -- a copy was given  
7 to KBC and to ADB.  
8 Q. What happened to the original,  
9 if you know?  
10 A. Oh, I don't know.

**Pg: 90 Ln: 6 - Pg: 100 Ln: 25**

**Annotation:**

90: 6 Q. Who had anti-money laundering  
7 responsibility for the transactions  
8 that ran through the KBC New York  
9 accounts of ADB's clients?  
10 A. KBC New York had its own  
11 compliance department.  
12 Q. Did ADB have any AML or KYC  
13 responsibility with respect to  
14 transactions in those accounts?  
15 A. ADB head office also had  
16 compliance.  
17 Q. How about the New York office of  
18 ADB, did anyone in that office perform  
19 any AML or KYC duties with respect to  
20 transactions that ran through customer  
21 accounts at KBC?  
22 A. We also were under compliance,  
23 but the initial accounts, the AML and  
24 compliance, was effected, was done by  
25 KBC individually and effected by ADB  
91: 1 head office individually.  
2 Q. Did you, yourself, have any AML  
3 or KYC responsibilities?  
4 A. Yes, we did.  
5 Q. You, yourself?  
6 A. We, as an office, had  
7 responsibilities. Yes, we did.  
8 Q. What were your responsibilities?  
9 A. To understand the laws of AML  
10 and BSA and to observe them and if

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**Pg: 90 Ln: 6 - Pg: 100 Ln: 25** continued...

**Annotation:**

91:11       there was a -- if there was a situation  
12       or problem we're responsible to do a  
13       SAR report.  
14       (Plaintiff's Exhibit 79, was  
15       received and marked on this date for  
16       identification.)  
17       Q.     So can I direct your attention  
18       to Exhibit 79 in your binder and in  
19       particular the second page? Do you  
20       recognize this document?  
21       A.     Yes.  
22       Q.     Do you see the second paragraph  
23       that refers to you as "the appointed  
24       Compliance Officer"?  
25       A.     Yes.  
92: 1       Q.     Can you explain what your duties  
2       were in that capacity?  
3       A.     My duties were to be familiar  
4       with the AML BSA policies of the bank  
5       including attending training sessions.  
6       Q.     And turning to the next page  
7       that's headed "Section 1. Background."  
8       Do you understand that document?  
9       A.     Yes.  
10       Q.     And what is this document?  
11       A.     This was the document that was  
12       given to the bank and regulatory  
13       authorities when they were doing their  
14       bank exam of the New York  
15       Representative Office.  
16       Q.     Is the information in italics  
17       under each number a response to a  
18       question or request for information?  
19       A.     Yes.  
20       Q.     Who prepared this document?  
21       A.     It was prepared initially out of  
22       head office with our cooperation and  
23       our assistance.  
24       Q.     "Our" is the New York office of  
25       ADB?  
93: 1       A.     Yes.  
2       Q.     And do you know who this  
3       document was provided to?  
4       A.     The banking authorities.  
5       Q.     Which banking authorities?  
6       A.     I don't know. New York State  
7       Banking and, I guess, the Fed. I don't  
8       recall the exact names of the  
9       authorities.  
10       Q.     And flipping forward six pages

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Pg: 90 Ln: 6 - Pg: 100 Ln: 25 continued...

### Annotation:

93:11 to the page that's numbered in the  
12 lower right-hand corner 61859 --  
13 A. 61 --  
14 Q. -- 61859.  
15 MS. GREDD: If you look down at  
16 the lower corner.  
17 THE WITNESS: It says 18.  
18 MS. GREDD: 61859.  
19 THE WITNESS: Oh. 61 --  
20 Q. -- 859.  
21 A. Yes.  
22 Q. Do you recognize the reference  
23 under the heading "Section 4.  
24 Compliance" and in italics that reads  
25 "ADB Antwerp has appointed Marc Weiss  
94: 1 as the officer responsible for  
2 compliance at our New York  
3 Representative Office"?  
4 A. Yes.  
5 Q. Is that the role you were just  
6 describing that you played in  
7 connection with AML and KYC --  
8 A. Yes.  
9 Q. -- responsibilities?  
10 And do you see under paragraph 2  
11 on this page the reference that reads,  
12 "It should be noted that the New York  
13 representative office of Antwerp  
14 Diamond Bank, Antwerp does not handle,  
15 process or conduct any banking  
16 transactions for the bank's clients,  
17 nor is it authorized to handle those  
18 banking transactions?"  
19 Do you see where I'm reading?  
20 A. Yes.  
21 Q. Is it correct that ADB New York  
22 did not handle or process any banking  
23 transactions for Lazare?  
24 A. When you say "handle", I'm not  
25 sure what you mean.  
95: 1 Q. Well, what do you understand the  
2 reference in this italicized sentence  
3 that I just read to you "to handle,  
4 process or conduct" to refer to?  
5 A. Yes. We did not originate or  
6 approve or -- no. Correct.  
7 Q. Correct, that you did not  
8 originate, approve any banking  
9 transactions for Lazare?  
10 A. Correct.

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**Pg: 90 Ln: 6 - Pg: 100 Ln: 25** continued...

**Annotation:**

95:11 MS. GREDD: Objection to form.  
12 Q. And is your understanding of the  
13 words "handle, process or conduct" that  
14 they refer to "originate or approve"?  
15 MS. GREDD: Objection to form.  
16 A. We -- Antwerp Diamond Bank, we  
17 did not -- the representative office  
18 did not have any checking accounts, we  
19 didn't have -- we did not have any  
20 credit authority, we operated strictly  
21 under the laws of the representative  
22 office under the State Banking laws. I  
23 think it's all clearly documented.  
24 Q. Do you know whether Lazare ever  
25 conducted any transactions before it  
96: 1 opened a bank account at KBC New York?  
2 A. I don't recall.  
3 Q. Do you recall that -- do you  
4 recall when Lazare opened its bank  
5 account at the New York branch of KBC  
6 New York?  
7 A. No.  
8 Q. Do you recall whether Lazare  
9 ever entered into straight loan  
10 arrangements with ADB during the  
11 relevant time period?  
12 A. They could have.  
13 Q. Well, do you recall one way or  
14 another?  
15 A. No. I don't recall which clients  
16 went into straight loans.  
17 Q. Do you know what a straight loan  
18 is?  
19 A. Yes.  
20 Q. What is your understanding of  
21 what a straight loan is?  
22 A. A straight loan is when a client  
23 has an overdraft facility they can take  
24 a -- they can take an advance for a  
25 specified period, for a week or two  
97: 1 weeks. It's a fixed loan for a  
2 referenced period of time.  
3 Q. Did you ever play any role in  
4 connection with straight loans provided  
5 by ADB to Lazare?  
6 A. Define "role"?  
7 Q. Did you ever do anything in  
8 connection with --  
9 A. I maybe passed papers back and  
10 forth or client said I want to do a



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**Pg: 90 Ln: 6 - Pg: 100 Ln: 25** continued...

**Annotation:**

97:11 straight loan, we would pass on the  
12 information. Whatever the client wanted  
13 to do we would pass the request onto  
14 head office. If they called us up or  
15 they sent us an e-mail, we would take  
16 all the client's requests and pass it  
17 to head office.  
18 Q. Did you, yourself, interface at  
19 all with either State or Federal  
20 Compliance or regulatory authorities in  
21 the course of your work?  
22 A. Yes. When they came to the  
23 office I would offer up the questions,  
24 answering all the questions they had  
25 and answer any other questions they had  
98: 1 about the office or how it operates.  
2 Q. Were U.S. or New York State  
3 regulators given access to ADB bank  
4 records regarding customer accounts at  
5 KBC New York?  
6 A. Not that I know of.  
7 Q. Were they given access to any  
8 ADB bank records of any kind?  
9 A. Only what's in their report.  
10 Q. Can you flip forward a few pages  
11 to the page that's marked in the lower  
12 right-hand corner 61862 and tell me  
13 whether you recognize that document?  
14 A. It's an e-mail between, I guess,  
15 KBC to ADB regarding BSA compliance,  
16 getting information.  
17 Q. Did KBC play any role with  
18 respect to ADB's AML or KYC obligations  
19 in New York?  
20 MS. GREDD: Objection to form.  
21 A. We -- KBC New York provided a  
22 training session, an annual session for  
23 compliance.  
24 Q. They provided that training  
25 session to ADB?  
99: 1 A. They allowed ADB New York staff  
2 to attend their compliance, annual  
3 training session.  
4 Q. Did KBC do anything else in  
5 regard to ADB's AML or KYC obligations?  
6 A. Not that I recall.  
7 Q. Did KBC New York verify the  
8 transactions effectuated through  
9 Lazare's bank account at KBC New York  
10 involved diamonds?

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**Pg: 90 Ln: 6 - Pg: 100 Ln: 25** continued...

**Annotation:**

99:11 MS. GREDD: Objection to form.  
12 A. I don't know.  
13 Q. Do you know whether anyone at  
14 ADB or KBC ever verified the  
15 transactions effectuated through an  
16 account at KBC New York involved  
17 diamond?  
18 MS. GREDD: Objection to form.  
19 A. I don't know.  
20 Q. Did ADB -- did the New York  
21 office of ADB play any role with  
22 respect to compliance issues associated  
23 with dollar denominated transactions of  
24 clients of the office?  
25 A. Repeat that question? I'm sorry.  
100: 1 Q. Did the New York office of ADB  
2 have any specific responsibilities or  
3 take any steps, any compliance-related  
4 steps in connection with dollar  
5 denominated transactions of its clients  
6 or customers?  
7 MS. GREDD: Objection to form,  
8 and to the extent you're broadening  
9 this to include questions about  
10 customers of ADB, other than Lazare, I  
11 think we're getting into an area that's  
12 clearly beyond the scope of this  
13 deposition.  
14 Q. Do you understand the question?  
15 A. Are you asking a compliance  
16 question?  
17 Q. Let's start with a compliance  
18 question and those general terms.  
19 A. KBC -- any accounts that KBC  
20 opened were responsible for compliance,  
21 any accounts at ADB opened were  
22 responsible for compliance. ADB -- ADB  
23 New York we had no accounts, we had no  
24 checking accounts, we were just a rep  
25 office. So I'm confused.

**Pg: 102 Ln: 6 - Pg: 104 Ln: 21**

**Annotation:**

102: 6 Q. Was anyone, apart from you,  
7 responsible for compliance issues in  
8 the New York office of ADB?  
9 A. No. We all went to training and  
10 if there was a suspicious activity we  
11 were required to create a SAR report.

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**Pg: 102 Ln: 6 - Pg: 104 Ln: 21 continued...**

**Annotation:**

102:12 MS. GREDD: Mr. Weiss, I would  
13 caution you, for reasons I'm sure  
14 Mr. Sullivan understands perfectly  
15 well, not to reveal whether any SAR  
16 reports were, in fact, filed.  
17 Q. Who at the New York branch of  
18 KBC was responsible for AML or KYC  
19 reporting?  
20 A. At KBC New York there was a  
21 Chief Compliance Officer.  
22 Q. Who is that?  
23 A. I don't remember his name.  
24 Q. Was it the same --  
25 A. There were a few people.  
103: 1 Q. I'm sorry?  
2 A. There were a few people, over  
3 the years.  
4 Q. Over the years?  
5 A. Yes.  
6 Q. Do you recall any of their  
7 names?  
8 A. No.  
9 Q. Did you ever receive any  
10 specific training, apart from the  
11 training you described earlier at KBC,  
12 in regard to AML or KYC matters?  
13 A. Yes. I attended -- I attended a  
14 session in Florida regarding BSA and  
15 AML under the major sessions, that they  
16 -- I think one is in Florida and one is  
17 in Las Vegas.  
18 Q. Did ADB have a policy  
19 prohibiting accounts or relationships  
20 with shell companies?  
21 A. I don't know.  
22 Q. Did the bank have a risk-based  
23 assessment of its customer base in  
24 their transactions?  
25 A. I don't know specifically. I  
104: 1 assume the bank had -- had all the  
2 procedures, whatever was needed in the  
3 head office and before an account was  
4 opened Compliance Or the Risk  
5 Department, everyone went through --  
6 had -- the account had to get approval  
7 but I wasn't there and I wasn't a party  
8 to it.  
9 Q. What do you mean you weren't  
10 there and you weren't a party to it?  
11 A. I operated in New York. In order

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**Pg: 102 Ln: 6 - Pg: 104 Ln: 21 continued...**

**Annotation:**

104:12 for an account to be opened up in KBC  
13 New York or in ADB head office Antwerp  
14 it had to be vetted, it had to be  
15 vetted for compliance and any and all  
16 other issues according to the  
17 regulatory authorities.  
18 Q. And apart from training, did you  
19 ever interact with the AML KYC people  
20 in the New York branch of KBC?  
21 A. No.

**Pg: 107 Ln: 17 - Pg: 110 Ln: 25**

**Annotation:**

107:17 Q. But you were the person at the  
18 New York, the ADB New York office,  
19 responsible for OFAC Patriot Act or AML  
20 issues?  
21 A. Yes, I was the point person. As  
22 whatever information was disseminated I  
23 would make sure I gave it to my people  
24 or sent it to head office, whatever was  
25 appropriate.  
108: 1 (Plaintiff's Exhibit 59, was  
2 received and marked on this date for  
3 identification.)  
4 Q. And flipping back to Exhibit 59,  
5 the front of your binder, do you  
6 recognize this document?  
7 A. Which section, "Dear  
8 Colleagues"?  
9 Q. Start with the first one. There  
10 is two documents included within this  
11 exhibit.  
12 MS. GREDD: Two documents or two  
13 pages?  
14 MR. SULLIVAN: Two pages.  
15 (Whereupon, the Deponent reviews  
16 the document.)  
17 A. I guess this is talking about an  
18 exam, an upcoming exam.  
19 Q. With who?  
20 A. This one is, I guess, with the  
21 New York State -- New York State  
22 Banking Department.  
23 Q. And --  
24 A. And they normally send a  
25 questionnaire.  
109: 1 Q. Is the exam by the New York  
2 State Banking Department of ADB or KBC?

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**Pg: 107 Ln: 17 - Pg: 110 Ln: 25 continued...**

**Annotation:**

109: 3       A.       I think this is of -- this  
4       should be of ADB New York, the  
5       representative office.  
6       Q.       Was KBC involved in anyway in  
7       connection with the New York State  
8       Banking Department's exam of ADB New  
9       York?  
10       A.       I -- from recollection, I  
11       believe that KBC when -- any time if  
12       ADB New York had an exam sometimes they  
13       -- they had the same compliance section  
14       or the same -- the regulatory section,  
15       they shared it, so they may have known  
16       about it. I don't know -- I wasn't  
17       privy to any communication that was  
18       directed from the banking regulatory  
19       authorities to KBC.  
20       Q.       In turning to the second page of  
21       this exhibit do you see the sentence in  
22       the second line that reads, "KBC NY  
23       will assist us for the compliance  
24       part."  
25       A.       Yes.  
110: 1       Q.       What is the compliance part  
2       that's referred to?  
3       A.       It is our procedures for AML,  
4       BSA, if we -- you know, if we had a  
5       question or we were -- if we wasn't  
6       sure if, you know, it was in line we  
7       would refer to the Chief Compliance  
8       Officer at KBC.  
9       Q.       How did KBC assist ADB with  
10       that?  
11       A.       They would answer the question.  
12       Q.       Were you involved in that  
13       process? Did you provide information to  
14       KBC or assistance of some kind?  
15       A.       No. I was involved in making  
16       sure that all the questions were  
17       answered with the assistance of head  
18       office, pulling it altogether and, you  
19       know, and trying to understand all the  
20       responses to the questions that were --  
21       that I could understand or be able to  
22       respond to when the regulatory  
23       authorities came, if a question arose.  
24       (Plaintiff's Exhibit 65, was  
25       received and marked on this date for

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**Pg: 113 Ln: 11 - Pg: 114 Ln: 4**

**Annotation:**

113:11 Q. And going back a moment to your  
12 earlier testimony that clients of ADB  
13 set up what you called mirror accounts  
14 at the New York branch of KBC, who was  
15 responsible for performing AML or KYC  
16 compliance for the activity in the  
17 mirror accounts of those clients?  
18 MS. GREDD: Objection. Asked and  
19 answered.  
20 Q. You can answer.  
21 A. Like I said, it's very clear, it  
22 was absolutely, positively whatever  
23 bank could open up a checking account  
24 it was their responsibility for  
25 compliance. KBC was absolutely  
114: 1 positively responsible for any checking  
2 accounts they opened up and ADB was  
3 also responsible for compliance on any  
4 account that they opened up.

**Pg: 127 Ln: 12 - Pg: 128 Ln: 19**

**Annotation:**

127:12 Q. Was it -- to your knowledge, was  
13 it a pre-requisite for opening a bank  
14 account at ADB that a customer sign and  
15 date ADB's general banking conditions?  
16 A. One of the account opening forms  
17 was that form, yes.  
18 Q. And was it a requirement that  
19 the customer sign and date that form?  
20 A. Yes.  
21 Q. And do you know whether Lazare  
22 ever did so in 2001?  
23 A. If they opened the account I  
24 would assume that was one of the  
25 pre-requisites.  
128: 1 Q. But you don't have any  
2 independent knowledge of your own in  
3 that regard?  
4 A. I don't remember all my  
5 client's, the forms they signed, I  
6 didn't keep a record of it.  
7 Q. Is it your understanding that  
8 the banking conditions, the general  
9 banking conditions of ADB are a  
10 separate document?  
11 A. The banking conditions was a  
12 separate document, yes.  
13 Q. And do they -- does the customer

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**Pg: 127 Ln: 12 - Pg: 128 Ln: 19** continued...

**Annotation:**

128:14 have to sign and date in particular  
15 document?  
16 MS. GREDD: Objection to form.  
17 A. The client was given a banking  
18 conditions that he would -- that he was  
19 asked to sign it and date it, yes.

**Pg: 140 Ln: 16 - Pg: 142 Ln: 16**

**Annotation:**

140:16 Q. Would you turn to Plaintiff's  
17 Exhibit 69 again, and that would be  
18 binder 2?  
19 A. Yeah.  
20 Q. This is the document that states  
21 on the first page "Bank procedures C08"  
22 and then the bottom "relationship  
23 office New York". Are you looking at  
24 that document?  
25 A. Yes.  
141: 1 Q. Okay. Turning four pages in, and  
2 directing your attention to paragraph  
3 B.2?  
4 A. Right.  
5 Q. Do you see the statement that  
6 reads, "Only diamond industry actors  
7 which are dealers and manufacturers of  
8 diamonds, colored stones and jewelry  
9 can open an account with Antwerp  
10 Diamond Bank rep office New York."  
11 A. Right.  
12 Q. Okay. What type of account could  
13 dealers and manufacturers of diamonds,  
14 colored stones and jewelry open with  
15 Antwerp Diamond Bank rep office New  
16 York?  
17 MS. GREDD: Objection to form.  
18 A. They can open any account. The  
19 only accounts we opened were with ADB  
20 head office, the overdraft facilities  
21 or credit facility accounts out of head  
22 office.  
23 Q. So is this statement in the  
24 document incorrect then?  
25 MS. GREDD: Objection to form.  
142: 1 A. I don't believe -- I don't think  
2 the document was written by someone  
3 whose English is their primary  
4 language.  
5 Q. Is the document -- is the

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**Pg: 140 Ln: 16 - Pg: 142 Ln: 16 continued...**

**Annotation:**

142: 6 statement therefore incorrect?  
7 MS. GREDD: Objection to form.  
8 A. I don't know. They cannot open a  
9 checking account, they cannot open up a  
10 credit facility with ADB New York. We  
11 had no checking accounts. If they  
12 established a relationship, you know,  
13 that they would talk to people in New  
14 York, they gathered information. I  
15 think the word is loosely -- is loosely  
16 used or translated.

**Pg: 174 Ln: 15 - Pg: 175 Ln: 11**

**Annotation:**

174:15 Q. Well, let's see if it helps to  
16 take a look at Plaintiff's Exhibit 63.  
17 We identified the first page, the  
18 request by Lazare to KBC for a transfer  
19 of \$519 and change?  
20 A. Right.  
21 Q. And we identified the KBC Bank  
22 statement provided by KBC to Lazare  
23 that reflects the payment of 519,000  
24 and change. Turn to the third page,  
25 what is this page? What is this  
175: 1 document?  
2 A. Looks like the blue slips that  
3 were originated out of head office  
4 Antwerp.  
5 Q. And what is a blue slip? What  
6 do you mean by that term?  
7 A. The blue slip is the client's  
8 account statement that was posted on a  
9 daily basis that was generated on a  
10 daily basis if there was activity in  
11 the account.

**Pg: 176 Ln: 8 - Pg: 178 Ln: 2**

**Annotation:**

176: 8 Q. And what information is  
9 contained in this blue slip?  
10 A. That there was a -- it looks  
11 like some type of payment went through  
12 the account debit for \$519,862.56  
13 effective August 20th, 2007.  
14 Q. And does the plus or minus  
15 alongside the number indicate whether  
16 the loan balance was going up or down



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**Pg: 176 Ln: 8 - Pg: 178 Ln: 2 continued...**

**Annotation:**

176:17 under the credit facility?  
18 MS. GREDD: Objection to form.  
19 A. Well, the -- I see on the slip  
20 the balance forward it appears to be a  
21 debit for \$41,668,773 and then with the  
22 wire payment going through it's not a  
23 credit, it's a debit, the balance  
24 continues to go up, the debit position  
25 goes up to 42,188,000.  
177: 1 Q. So this document, this blue slip  
2 reflects the wire transfer that is  
3 described in the first two pages of  
4 Exhibit 63, correct?  
5 A. It appears so, yes.  
6 Q. Can you tell from looking at  
7 this blue slip where the payment of  
8 \$519,862.56 was going?  
9 A. I can't tell from this slip, no.  
10 Q. Is there any information that  
11 indicates the identity of the recipient  
12 of the payment?  
13 A. I don't know what the -- there's  
14 numbers below the payment. I don't know  
15 if that refers to it. I don't know.  
16 Q. Is there -- apart from the  
17 balance of the credit facility and the  
18 amount of the payment, is there any  
19 other information at all described in  
20 this document?  
21 MS. GREDD: Objection to form.  
22 A. I don't know what the numbers  
23 below the payment is 00 FTBBO and all  
24 those numbers refer to. I just see  
25 that -- I just see the payment and then  
178: 1 the balance. That's all I see on the  
2 form.

**Pg: 192 Ln: 19 - Pg: 193 Ln: 1**

**Annotation:**

192:19 Q. Did ADB need the approval of KBC  
20 to grant credit lines in excess of a  
21 certain amount?  
22 A. I believe they needed -- I  
23 needed -- I believe that ADB did need  
24 KBC above certain amounts but I don't  
25 recall what the amounts were at the  
193: 1 time.

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**Pg: 194 Ln: 18 - Pg: 200 Ln: 25**

**Annotation:**

194:18 Q. Will you look at Exhibit 113,  
19 binder 3? Again, this is the two-page  
20 affidavit that you identified earlier  
21 this morning.  
22 A. 113?  
23 Q. Yes.  
24 MR. D'ANGELO: The cover letter.  
25 MS. GREDD: Skip back, and then  
195: 1 your affidavit.  
2 Q. And directing your attention to  
3 paragraph 4 of your affidavit --  
4 A. Yes.  
5 Q. -- describing the search you  
6 conducted at the representative office  
7 for any documents related to bank  
8 deposits or wire transfers into  
9 accounts at DD or KT. Do you see that  
10 reference?  
11 A. Yes.  
12 Q. What did you search in order to  
13 be in a position to sign this  
14 affidavit?  
15 A. I looked at all our records,  
16 whatever I had, whatever I saw as far  
17 as any transfers of DD or KT and I  
18 didn't find anything at the time.  
19 Q. Did ADB New York have documents  
20 relating to Lazare's bank deposits or  
21 wire transfers into an account of DD or  
22 KT?  
23 A. Repeat the question.  
24 Q. Did ADB New York have any  
25 documents relating to bank deposits or  
196: 1 wire transfers by Lazare into an  
2 account of DD or KT?  
3 MS. GREDD: Objection to form.  
4 A. We didn't -- we didn't have  
5 anything. We didn't do wire transfers  
6 in the beginning. We did a few wire  
7 transfers but thereafter, once the we  
8 saw the KBC accounts we didn't have  
9 copies of those wire transfers, KBC  
10 did.  
11 Q. And did you have computer access  
12 to any bank account records of Lazare?  
13 A. No, I did not.  
14 Q. Would you look at Exhibit 109,  
15 please?  
16 (Plaintiff's Exhibit 109, was  
17 received and marked on this date for

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**Pg: 194 Ln: 18 - Pg: 200 Ln: 25** continued...

**Annotation:**

196:18        identification.)  
19        Q.        Are you familiar with FLEXCUBE?  
20        A.        No.  
21        Q.        Never heard of it before?  
22        A.        I heard of it.  
23        Q.        Do you know what it is?  
24        A.        It's some type of program in  
25        head office in order to look at the  
197: 1        information, I never learned how to use  
2        it.  
3        Q.        Directing your attention to the  
4        fourth paragraph on the first page of  
5        this exhibit, do you see the sentence  
6        that reads "Antwerp Diamond Bank will  
7        deploy FLEXCUBE in Antwerp Belgium and  
8        also provide access to its branch  
9        office in New York."  
10        A.        Yes.  
11        Q.        There was no branch office in  
12        New York, was there, it was a  
13        representative office?  
14        A.        That's correct.  
15        Q.        And did -- was FLEXCUBE provided  
16        to the rep office in New York?  
17        A.        There was something like  
18        FLEXCUBE that you could try -- you can  
19        access certain information but I never  
20        learned how to use it.  
21        Q.        Do you know what information  
22        FLEXCUBE allows someone to access?  
23        A.        I don't recall.  
24        Q.        Can you turn to Exhibit 110,  
25        right after this one?  
198: 1        (Plaintiff's Exhibit 110, was  
2        received and marked on this date for  
3        identification.)  
4        Q.        Do you recognize this document?  
5        A.        No. It's just an e-mail.  
6        Q.        This appears to be an e-mail  
7        from someone at ADB to Diana David at  
8        the New York office of ADB --  
9        A.        Right.  
10        Q.        -- dated December 6, 2006?  
11        A.        Right.  
12        Q.        And the author is talking about  
13        FLEXCUBE?  
14        A.        A-hum.  
15        Q.        And in the second to last  
16        paragraph do you see where it states,  
17        "Another option is that you log onto

## TextMap Annotation Digest Report

Case Name: Plaintiff Lazare Kaplan International Inc.'s Deposition Designations for Marc Weiss 2/16/2016

Transcript: [10/13/2015] Weiss, Marc

Issue Filter: Depo Designation

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Pg: 194 Ln: 18 - Pg: 200 Ln: 25 continued...

### Annotation:

198:18 FLEXCUBE yourself and print the  
19 statements one by one yourselves from  
20 New York office directly to a local  
21 printer."  
22 A. Yes.  
23 Q. Does that refresh your  
24 recollection at all about whether, how  
25 FLEXCUBE operated and what it could be  
199: 1 used for in the New York office of ADB?  
2 A. I never -- I never learned how  
3 to use FLEXCUBE. The other people did  
4 it, I didn't figure it out and I never  
5 used it. So I'm not -- I couldn't  
6 bother with it.  
7 Q. By reference to this document,  
8 do you understand the reference to  
9 statements in the paragraph I just read  
10 to refer to bank statements of clients  
11 of ADB?  
12 MS. GREDD: Objection to form.  
13 A. I guess whatever they're saying  
14 here, they say that, I guess, Diana  
15 could download something but you know,  
16 I'm not disputing what the wording  
17 here, I don't know what to tell you.  
18 Q. Well, while you were at ADB did  
19 anyone in the New York office of ADB  
20 use FLEXCUBE for any purpose?  
21 A. I believe they used FLEXCUBE for  
22 certain information but I don't recall  
23 what information and what they were  
24 downloading or someone had a question  
25 they were trying to follow up a  
200: 1 customer inquiry and maybe they use it,  
2 but I never -- I could never use  
3 FLEXCUBE.  
4 Q. When you conducted the search  
5 for documents that's described in  
6 paragraph 4 of your affidavit, did you  
7 request anyone in the ADB New York  
8 office to use FLEXCUBE to assist you in  
9 that search?  
10 A. I don't recall as far as what I  
11 -- I know I looked in my system. I  
12 don't recall who I asked to help or  
13 what my directions were at the time.  
14 Q. But as of the date you submitted  
15 that affidavit or signed that affidavit  
16 was it possible to use FLEXCUBE to  
17 access documents or data from the New

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**Transcript:** [10/13/2015] Weiss, Marc

**Issue Filter:** Depo Designation

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**Pg: 194 Ln: 18 - Pg: 200 Ln: 25** continued...

**Annotation:**

200:18        York office of ADB?  
19                MS. GREDD: Objection to form.  
20        A.        I don't know. I wasn't familiar  
21        with it so I just looked at what I had  
22        and I looked at my computer and the  
23        files I had in my office. I looked at  
24        whatever I had. I'm not familiar with  
25        FLEXCUBE.